



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

EDMUND G. BROWN JR. • GOVERNOR

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Staff Analysis

STATE PUBLIC WORKS BOARD

**Friday, September 14, 2018 at 10:00 a.m. in
Room 113, State Capitol, Sacramento, California**

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Pursuant to section 11125 of the Government Code, notice of all Board meetings will be given at least ten days in advance and such notice must include a copy of the agenda. Members of the Public may address the Board prior to it taking action on any matter in the agenda.

This notice and the Board agenda for the current month are available on the Internet at: <http://www.spwb.ca.gov>.

Individuals who need disability-related accommodation, including auxiliary aids for effective participation at this public meeting are invited to make their requests and preferences known to Kathryn Lee at (916) 445-9694 or e-mail to Kathryn.Lee@dof.ca.gov , five days prior to the meeting.

BOND ITEM

BOND ITEM—1

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
EL CENTRO COURTHOUSE
IMPERIAL COUNTY**

*Authority: Chapter 1, Statutes of 2009, Item 0250-301-3138 (2)
Sections 70371.5 and 70371.7 of the Government Code
Chapter 33, Statutes of 2011, Item 0250-301-3138 (3)
Chapter 20, Statutes of 2013, Item 0250-301-3138 (2), as reappropriated by
the Budget Act of 2014
Chapters 29 and 30, Statutes of 2018, 0250-301-0660 (1)*

Consider adoption of a resolution to:

- 1) Authorize actions to be taken to provide for interim financing and declare the official intent of the Board to reimburse certain capital expenditures from the Public Buildings Construction Fund from the proceeds of the sale of bonds.**
- 2) Authorize the sale of lease revenue bonds.**
- 3) Approve the form of and authorize the execution and delivery of a Project Delivery Agreement between the Judicial Council of California and the Board.**
- 4) Approve and take actions and execute documents as may be needed to carry out the purposes of this resolution.**

Total Bond Appropriation

\$41,944,000

BOND ITEM

STAFF ANALYSIS ITEM—1

Judicial Council of California
El Centro Courthouse
Imperial County

Action Requested

If approved, the requested action would adopt a resolution authorizing actions to be taken to provide for interim financing, authorize the sale of lease revenue bonds, and other related actions.

Scope Description

This project is within scope. The authorized scope for this project includes construction a new 4-courtroom, approximately 47,600 square-foot courthouse in the City of El Centro, Imperial County. The project will consolidate court operations from two facilities and will relieve the current space shortfall, improve security, and replace inadequate and obsolete buildings in Imperial County. The project will replace operations at the Brawley and Valley Plaza court facilities.

Funding and Cost Verification

This project is within cost. A total of \$49,944,000 has been appropriated for acquisition (\$1,939,000), preliminary plans (\$2,717,000), working drawings (\$3,344,000) and construction (\$41,944,000).

\$49,944,000	Total authorized project costs
\$49,944,000	Total estimated project costs
\$ 8,000,000	Costs previously allocated: \$1,939,000 acquisition, \$2,717,000 preliminary plans, and \$3,344,000 working drawings
\$41,944,000	Costs to be allocated: \$41,944,000 construction (\$35,884,000 contract, \$1,833,000 contingency, \$892,000 A&E, \$3,335,000 other)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 12, 2011. The 35-day statute of limitations period expired without challenge.

Real Estate Due Diligence

A Summary of Conditions letter for this project was completed on March 9, 2015. No issues that would adversely affect the quiet enjoyment and beneficial use of the project were identified.

Project Schedule

Approve Preliminary Plans:	April 2015
Complete Working Drawings:	August 2018
Start Construction:	November 2018
Complete Construction:	December 2020

Staff Recommendation: Adopt resolution.

BOND ITEM

BOND ITEM—2

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
NEW YREKA COURTHOUSE
SISKIYOU COUNTY**

*Authority: Sections 70371.5 and 70371.7 of the Government Code
Chapter 21, Statutes of 2011, Item 0250-301-3138 (15)
Chapters 21 and 29, Statutes of 2012, Item 0250-301-3138 (19), as reappropriated
by the Budget Act of 2013
Chapter 20, Statutes of 2013, Item 0250-301-3138 (8)
Chapter 25, Statutes of 2014, Item 0250-301-3138 (10)
Chapters 14, 22, and 54, Statutes of 2017, 0250-301-3138 (2)
Chapters 29 and 30, Statutes of 2018, 0250-301-0660 (4)*

Consider adoption of a resolution to:

- 1) Authorize actions to be taken to provide for interim financing and declare the official intent of the Board to reimburse certain capital expenditures from the Public Buildings Construction Fund from the proceeds of the sale of bonds.**
- 2) Authorize the sale of lease revenue bonds.**
- 3) Approve the form of and authorize the execution and delivery of a Project Delivery Agreement between the Judicial Council of California and the Board.**
- 4) Approve and take actions and execute documents as may be needed to carry out the purposes of this resolution.**

Total Bond Appropriation

\$59,203,000

BOND ITEM

STAFF ANALYSIS ITEM—2

Judicial Council of California
New Yreka Courthouse
Siskiyou County

Action Requested

If approved, the requested action would adopt a resolution authorizing actions to be taken to provide for interim financing, authorize the sale of lease revenue bonds, and other related actions.

Scope Description

This project is within scope. The authorized scope for this project includes construction a new 5-courtroom, approximately 67,500 square-foot courthouse in the City of Yreka, Siskiyou County. The project will consolidate court operations from other facilities and will relieve the current space shortfall, improve security, and replace inadequate and obsolete buildings in Siskiyou County. The project will replace operations at the Siskiyou Superior Courthouse and Eddy Building Annex.

Funding and Cost Verification

This project is within cost. A total of \$68,950,000 has been appropriated for acquisition (\$1,288,000), preliminary plans (\$3,277,000), working drawings (\$4,518,000) and construction (\$59,867,000). We note current estimates indicate a potential deficit of \$1,200,000 that has not been recognized by the Board. After bid results are received, staff will determine whether it is necessary to request an augmentation for the project to proceed.

\$68,950,000	Total authorized project costs
\$70,150,000	Total estimated project costs
\$ 9,747,000	Costs previously allocated: \$1,288,000 acquisition, \$3,277,000 preliminary plans, and \$4,518,000 working drawings, \$664,000 preconstruction demolition
\$59,867,000	Costs to be allocated: \$59,867,000 construction (\$50,954,000 contract, \$2,604,000 contingency, \$1,154,000 A&E, \$4,491,000 other)
\$ 1,200,000	Potential deficit: construction (\$1,200,000 contract)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on May 20, 2011. The 35-day statute of limitations period expired without challenge.

Real Estate Due Diligence

A Summary of Conditions letter for this project was completed on February 16, 2016. No issues that would adversely affect the quiet enjoyment and beneficial use of the project were identified.

Project Schedule

Approve Preliminary Plans:	August 2014
Complete Working Drawings:	August 2018
Start Construction:	November 2018
Complete Construction:	December 2020

Staff Recommendation: Adopt resolution.

MINUTES

Consider approving the minutes from the August 6, 2018 meeting.

Staff have reviewed the minutes from the August 6, 2018 meeting and recommend approval of those meeting minutes.

Staff Recommendation: Approve minutes from the August 6, 2018 meeting.

CONSENT ITEM

CONSENT ITEM—1

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS
EL CENTRO COUNTY COURTHOUSE
IMPERIAL COUNTY

AOC Facility Number 13-A1; DGS Parcel Number 10752

Authority: Trial Court Facilities Act of 2002, Chapter 1082, Statutes of 2002, commencing with Section 70301 of the Government Code, as amended (the "Act")

Consider accepting real property through a transfer of title

CONSENT ITEM

STAFF ANALYSIS ITEM—1

Judicial Council of California
El Centro Courthouse
Imperial County

Action Requested

If approved, the requested action would authorize the acceptance of real property through a transfer of title.

Scope Description

This transaction is within scope. The requested action would authorize the acceptance of real property through a transfer of title of the El Centro County Courthouse (Court Facility) pursuant to the "Second Amendment to Transfer Agreement" by and between the Judicial Council of California (Council) and the County of Imperial (County) for the Transfer of Title for Court Facility, dated June 28, 2017. The Court Facility is located at 949 West Main Street, City of El Centro, County of Imperial California, which is part of an approximately 1.9-acre portion of a county-owned 3.5-acre larger parcel (the Property). The Court Facility is improved with a three-story, 60,260 square-foot building constructed in 1923, with on-site parking area and associated landscaping.

Pursuant to provisions of the Act, on December 23, 2008, the Administrative Office of the Courts (AOC) entered into the original Transfer Agreement ("Original Agreement") and Joint Occupancy Agreement for the transfer of responsibility for funding and operation of the Court Facility.

As of January 1, 2009 the Council has been responsible for the operations and maintenance of the space exclusively occupied by the court and common areas of the building.

Pursuant to the First Amendment to Transfer Agreement dated June 28, 2011, and with the approval of the Board, the County transferred equity in, and responsibility for the Courthouse property, with transfer of title and reciprocal easements between the parties to follow. The Council agreed to transfer to the County all right, title and interest in the Winterhaven Facility at "no cost" subject to a joint determination between the Council and the County that the court would permanently discontinue use for Court operations. The Joint Occupancy Agreement was terminated as of July 1, 2011 (the Transfer Date).

The Board approved the Transfer of Equity and Transfer of Responsibility to the Courthouse property; however, the terms of the transfer of title to the Winterhaven Facility were not in compliance with Government Code section 70391(c)(2). Under the terms of the Second Amendment to Transfer Agreement, the County was entitled to a non-cash credit (El Centro Credit) equal to the current fair market value of the County's equity in the Court Facility to be used by the County in lieu of cash consideration for future fair market value acquisitions of previously transferred surplus court facilities, including the Winterhaven Facility. The value of the El Centro Credit was calculated at \$2,415,375.

Since July 2011 the Council acquired the space previously occupied by the County, and has been responsible for the funding, operations and maintenance of the entire property.

Funding and Cost Verification

This transaction is within cost. This is a no-cost acquisition and the only costs for acceptance are for staff processing.

CEQA

A Notice of Exemption was filed with the State Clearinghouse August 5, 2011, and the 35-day statute of limitations expired without challenge.

Project Schedule

The close of escrow is anticipated within 60 days of the Board's action.

Condition of Properties

A Phase 1 Environmental Site Assessment (ESA) was conducted for the building and seismic assessments. The following findings were made:

Phase I ESA - A Phase I report was completed in October 2017 in accordance with the American Society for Testing and Materials (E-1527-05) Standard Practice for Environmental Assessments. The ESA includes an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the Court Facility. In preparing the Phase I, a visual inspection of the Court Facility was performed to detect any apparent hazardous conditions in, on, or about the Court Facility. In addition, the historical uses of the real property were reviewed.

No potential issues of concern were identified, and the ESA recommended no further action be taken.

Building Assessment:

In June 2008, staff from Judicial Council conducted an initial site visit of the Court Facility to assess the general condition of the property prior to the SB1732 transfer of responsibility.

Seismic Safety Assessment of the Improvements:

Licensed structural engineers performed a Tier I seismic safety assessment of the building located in the Court Facility in November 2004, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The Judicial Council determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. As of January 1, 2009, responsibility of the building was transferred to the state pursuant to the provisions of Government Code section 70324 (SB 10), which provides that the county shall be responsible for any seismic-related damage and injury, the county shall indemnify, defend, and hold the state harmless from those claims.

Other

- The state and County are granting each other reciprocal access easements for rights of access. The state is granting the County access rights to copper communication lines, fiber communication line and electricity utility services lines which run under/through the courthouse property. The County is granting the state access rights to the sewer line, electric utility service run, natural gas line, copper communications cable, and telephone line, all of which currently run under/through County owned property.
- Neither the County nor the Judicial Council are aware of any lawsuits pending concerning the property.
- There are no relocation assistance, historic issues or implied dedication associated with this transfer of title.
- The Property was subject to a reversionary clause in favor of B.G. Balcom and Mary R. Balcom, husband and wife as grantor, as recorded by Bargain and Sale Deed on November 13, 1909, in Book 137, Page 31 of Deeds, official records of Orange County. The clause specified that the property, if no longer used as a courthouse and abandoned for that use, would revert back to the grantor, or their heirs and assigns. This reversionary interest has since expired and is no longer relevant to this Property.

Staff Recommendation: **Authorize the acceptance of real property through a transfer of title.**

CONSENT ITEM

CONSENT ITEM—2

CALIFORNIA CONSERVATION CORPS (3340)
UKIAH RESIDENTIAL CENTER REPLACEMENT
440 EAST HILL ROAD, WILLITS
MENDOCINO COUNTY
DGS Parcel Number 10866

Authority: Chapters 14, 22, and 54, Statutes of 2017, Item 3340-301-0001(1)

Consider authorizing:

a) Acquisition

b) Execution of a Property Acquisition Agreement and other such documents as may be required to complete the acquisition

CONSENT ITEM

STAFF ANALYSIS ITEM—2

California Conservation Corps
Ukiah Residential Center Replacement
East Hill Road, Willits
Mendocino County

Action Requested

If approved, the request will authorize acquisition and the execution of a Property Acquisition Agreement and other such documents as may be required to approve the acquisition.

Scope Description

This project is within scope. The California Conservation Corps (Corps) Ukiah Residential Center Replacement project will be based on the Corps' residential center needs and to conform as close as possible to the residential prototype of approximately 56,000 square feet, including an administration building, dormitories, a recreation building, and a multipurpose room, among other components.

This requested action will authorize the Corps to purchase approximately 27 acres of land located at 440 East Hill Road in the City of Willits, County of Mendocino (the Property). The Board authorized site selection of this property on February 9, 2018. Although efforts were made to reduce the size of the acquisition site, the seller is unwilling to divide or split the Property.

Funding and Cost Verification

This project is within cost. The Budget Act of 2017 provides \$1,834,000 for acquisition and the Budget Act of 2018 provides \$2,866,000 for preliminary plans. Total project costs are estimated to be \$65,843,000.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on July 26, 2018, and the 35-day statute of limitations passed without challenge.

Project Schedule

The anticipated close of escrow is November 2018.

Condition of Property

On November 21, 2017, The Department of General Services (DGS) conducted a site visit to assess the general condition of the Property.

The Property is bounded by the Northwestern Pacific Railroad tracks on the west, Highway 101 “Willits Bypass” freeway on the east, open agricultural land on the north, and East Hill Road on the south. The Property is relatively flat land previously used for pasture grazing. There are two tree-lined riparian corridors with intermittent streams and tributaries to Haehl Creek and Davis Creek in addition to a small woodland area on the southeast corner of the Property.

A wetland report was completed on March 15, 2016, which concluded that approximately half of the Property will support the proposed planned development for the new residential center. The remainder of the Property is impacted by wetland areas, which are legislatively-protected areas at the state and federal level. In accordance with the California Environmental Quality Act, the State will undertake proper due diligence measures to mitigate wetland disruption throughout the development of this project. The project site layout was completed with the intent of honoring wetland mitigation requirements, such as replanting vegetation on-site and utilizing the storm water detention basin area, and is not expected to exceed 1-2 acres. The majority of this work can be completed by Corps members.

A feasibility study completed in June 2018 concluded that the Property meets all programmatic and spatial needs and the natural environmental conditions appear to be an excellent fit for the Corps program activities.

Phase I Environmental Site Assessment (ESA)

A Phase I environmental site assessment was prepared in June 2018. The Property was historically used as pasture grazing land. The assessment found no evidence of past land use that may have generated or caused the release of regulated or hazardous materials and no recognized environmental conditions were found on the Property. No further studies are recommended.

DGS did not observe any additional environmental concerns.

Other

- The purchase price does not exceed the estimated fair market value of the Property as determined by a DGS-approved appraisal.
- There are no historic issues and no implied dedication associated with the Property.
- No relocation assistance is required.
- Neither DGS, nor Corps are aware of any lawsuits pending concerning the Property.
- The Property will be taken subject to a 40-foot wide PG&E easement for an above-ground pole line.
- The Property location is consistent with the state’s planning priorities in accordance with Government Code Section 65041 et seq.

Staff Recommendation: **Authorize acquisition and execution of a Property Acquisition Agreement and other such documents as may be required to complete the acquisition.**

CONSENT ITEM

CONSENT ITEM—3

BOARD OF STATE AND COMMUNITY CORRECTIONS (5227) ADULT LOCAL CRIMINAL JUSTICE FACILITIES PROJECT SACRAMENTO COUNTY

Authority: Sections 15820.92 – 15820.926 of the Government Code

Consider recognizing a scope change

CONSENT ITEM

STAFF ANALYSIS ITEM—3

Board of State and Community Corrections
Adult Local Criminal Justice Facilities Project
Sacramento County

Action Requested

If approved, the requested action will recognize a scope change.

Scope Description

This project is not within scope. As approved by the Board, the Project includes the construction of seven buildings adjacent to the existing jail on county-owned land in the city of Elk Grove. The new buildings provide approximately 116,000 square feet of space for housing, treatment, support, and food services space, an education building, and a medical and intake building. An education building includes a culinary arts room, classrooms, and support space. A support building will include a kitchen and food services space, a food services warehouse, a laundry, and maintenance space. The medical and intake building provides 26 medical/mental health special needs beds and include a pharmacy, a medical clinic and infirmary, and intake and release space. The Project also includes a vocational shop building, a guard house, a central control building, a water treatment building, a new water well, and an expanded parking lot.

Since the approval of preliminary plans, Sacramento County has determined the current scope exceeds the current budget by \$13 million due to changes in the bidding environment and continuing increases to the cost of construction. A scope reduction is necessary to bring the project within current budget. The BSCC, on behalf of Sacramento County, is requesting a scope change to eliminate the kitchen, food service space, and food service warehouse. This will reduce the overall space constructed by approximately 24,000 square feet. Food service will be provided by the existing county jail adjacent to the Project. The county will make infrastructure upgrades to the existing kitchen over the next few years using county funds. This change is estimated to avoid \$13 million of costs. Therefore, Sacramento County estimates it can complete the revised projects in line with its previous cost estimate.

On August 22, 2018, the Department of Finance notified the chairs of the Joint Legislative Budget Committee and the fiscal committees in each house of its intent to approve the scope change and recommend that the Board recognize this revised scope no sooner than 20 days from that date.

Funding and Project Cost Verification

This project is within cost. Section 15820.922 of the Government Code (SB 1022) appropriates \$509,060,000 lease revenue bond financing authority to partially finance the design and construction of adult local criminal justice facilities. Award of this funding to individual counties was administered through the Board of State and Community Corrections (BSCC) through a competitive public process. Initially the BSCC conditionally awarded \$56,432,000 from this appropriation to Sacramento County for this project. However, on June 10, 2015, the Board of State and Community Corrections took an action to approve a revised scope and awarded \$23,568,000 of additional funding for the project, for a new total award amount of \$80,000,000. All of the acquisition/study and any design and construction costs in addition to this amount will be paid by the County.

On December 12, 2014, the Board established the scope, cost and schedule of this project allocating \$56,432,000 of the \$509,060,000 lease revenue bond financing authority appropriated in section 15820.922 of the Government Code to partially finance the design and construction of this project. At the time of Establishment, the total estimated project cost was \$62,894,000. On December 11, 2015 the Board recognized a scope change and revised project cost of \$89,210,000. Additionally, on March 29, 2017, the Department of Finance approved Preliminary Plans, with a total estimated project cost of \$88,982,000, and recognized potential savings of \$228,000. Subsequent to these actions, a new project cost estimate was prepared in association with another scope change approval. Based on this revised estimate, the current total revised project cost is \$89,094,000, which includes potential savings of \$116,000.

\$89,210,000 Total authorized project costs

\$89,094,000 Total estimated project costs

\$80,000,000 State costs previously allocated: \$825,000 preliminary plans, \$4,467,000 working drawings, and \$74,708,000 construction (\$62,356,000 contract, \$6,495,000 contingency, \$1,899,000 A&E, \$1,100,000 agency retained, and \$2,858,000 other project costs)

\$0 State costs adjustment: an increase of \$188,000 working drawings, a decrease of \$188,000 construction (a decrease of \$198,000 contract and an increase of \$10,000 contingency)

\$9,210,000 Local costs previously allocated: \$1,309,000 acquisition, \$705,000 preliminary plans, \$725,000 working drawings, \$6,243,000 construction (\$2,321,000 contract, and \$3,921,000 other project costs, and \$228,000 potential savings)

(\$116,000) Local costs potential savings adjustment: an increase of \$112,000 construction (an increase of \$102,000 contract and \$10,000 contingency)

CEQA

A Notice of Determination was filed with the State Clearinghouse on November 5, 2015, and the 30-day statute of limitations expired without challenge.

Due Diligence

A Summary of Conditions Letter for this project was completed by bond counsel on September 7, 2016, and no issues that would adversely affect the beneficial use and quiet enjoyment of the project were identified.

Project Schedule

Design Bid Build:

Approve preliminary plans:	March 2017
Complete working drawings:	September 2018
Start construction:	December 2018
Complete construction:	August 2020

Staff Recommendation: Recognize scope change.

ACTION ITEM

ACTION ITEM—1

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
FRESNO COUNTY**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1) as reappropriated by the Budget Act of 2018
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1) as reappropriated by the Budget Act of 2018
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b) (2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15854 of the Government Code*

Consider the adoption of an amended Resolution of Necessity authorizing the use of eminent domain to acquire the following property:

Grewal Property (Fresno County)

Authority Parcel Numbers: FB-10-0462-1, FB-10-0462-7, FB-10-0462-8, FB-10-0462-9, FB-10-0462-11, and FB-10-0462-02-01

Assessor Parcel Numbers: 056-030-39S and 056-030-41S

ACTION ITEM

STAFF ANALYSIS ITEM—1

High Speed Rail Authority
Initial Operating Segment, Section 1
Fresno County

Action Requested

If approved, the requested action would adopt an amended Resolution of Necessity (RON) authorizing the use of eminent domain.

Grewal Property: On December 8, 2017, the Board adopted RON 2014-0415, authorizing the use of eminent domain to acquire the Grewal property in Fresno County. Subsequent to that action, it was determined that the RON contained an error in the legal description of the subject property and on April 13, 2018, the Board adopted a first amended RON. Additional errors have been found in the legal description, precipitating the need for second amended RON.

On August 24, 2018, a Notice of Intent to adopt a second amended Resolution of Necessity was mailed to the property owner. This notice was sent in accordance with Code of Civil Procedure section 1245.235.

Staff Recommendation: Adopt an amended Resolution of Necessity authorizing the use of eminent domain.

ACTION ITEM

ACTION ITEM—2

**HIGH SPEED RAIL AUTHORITY (2665)
INITIAL OPERATING SEGMENT, SECTION 1
VARIOUS COUNTIES**

*Authority: Chapter 152, Statutes of 2012, Item 2665-306-0890 (1) as reappropriated by the Budget Act of 2018
Chapter 152, Statutes of 2012, Item 2665-306-6043 (1) as reappropriated by the Budget Act of 2018
Chapter 25, Statutes of 2014, Item 2665-306-3228 (1)
Section 39719(b) (2) of the Health and Safety Code
Section 39719.1 of the Health and Safety Code
Section 15854 of the Government Code*

Consider the adoption of Resolutions of Necessity authorizing the use of eminent domain to acquire the following properties for the High Speed Train System:

- 1. Tos Land Company Property (Kings County)**
Authority Parcel Numbers: FB-16-0001-1, FB-16-0001-2, FB-16-0001-3, FB-16-0001-4, FB-16-0001-5, FB-16-0001-6, FB-16-0001-7, FB-16-0001-8, and FB-16-0001-9
Assessor Parcel Number: 002-060-016
- 2. Martella Property (Kings County)**
Authority Parcel Number: FB-16-0200-4
Assessor Parcel Number: 016-200-011
- 3. Fresno Metropolitan Flood Control District (Fresno County)**
Authority Parcel Numbers: MF-10-0178-1, MF-10-0178-2; MF-10-0211-1, and MF-10-0211-2
Assessor Parcel Numbers: 504-081-18T and 504-081-19ST (formerly designated as 504-080-47T and 504-080-66ST)

ACTION ITEM

STAFF ANALYSIS ITEM—2

High Speed Rail Authority
Initial Operating Segment, Section 1
Various Counties

Action Requested

Adopt Resolutions of Necessity authorizing the use of eminent domain to acquire properties for the High Speed Train System.

Scope Description

This project is within scope. The Initial Operating Segment, Section 1 (IOS-1) is expected to be approximately 120 miles starting from Madera and extending southward almost to Bakersfield. This initial section includes the realignment of Highway 99 in Fresno and relocation of railroad lines, the construction of bridges over the San Joaquin and Fresno Rivers as well as other

waterways, several dozen grade separations, multiple viaducts and trenches, and the acquisition of approximately 1,600 parcels. The IOS-1 is the first construction phase of the High Speed Train System (HSTS). The HSTS consists of Phase 1, which would provide 520 miles of the HSTS extending from San Francisco to Los Angeles/Anaheim, and Phase 2, which would extend the system to Sacramento and San Diego.

Funding and Cost Verification

This project is within cost. Chapter 152, Statutes of 2012, appropriated \$5.850 billion (\$2.609 billion High Speed Passenger Train Fund and \$3.241 billion federal funds) and Chapter 25, Statutes of 2014 provided an additional \$191.4 million Greenhouse Gas Reduction Fund for the IOS-1. In addition, Health and Safety Code section 39719 (b)(2) appropriates 25 percent of the annual proceeds of the Greenhouse Gas Reduction Fund for the Phase 1 Blended System and Health and Safety Code section 39719.1 authorizes repayment of a \$400 million General Fund loan from the Greenhouse Gas Reduction Fund for the Phase 1 Blended System. The IOS-1 is a component of the Phase 1 Blended System.

Background

In order to adopt a Resolution of Necessity that is required to initiate the eminent domain proceedings, the Board must consider that the following conditions have been met:

- (A) The public interest and necessity require the project;
- (B) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (C) The property sought to be acquired is necessary for the project; and,
- (D) The offer required by Government Code section 7267.2 has been made to the owner or owners of record.

In 2008 the voters of California approved Proposition 1a, authorizing monies from the High-Speed Passenger Train Bond fund in support of this Project. In 2009 and 2010 the federal government approved funds in support of the portion of this Project extending from San Francisco to Anaheim, and in 2012 and 2014, through Chapter 152, Statutes of 2012 and Chapter 25, Statutes of 2014, the Legislature appropriated funds for the acquisition and design-build phases of the IOS-1 of the Project, extending from Madera to just north of Bakersfield.

The Property Acquisition Law, commencing with section 15850 of the Government Code, authorizes the Board to select and acquire in the name of the State of California (State) with the consent of the State agency concerned, the fee or any lesser right or interest in any real property necessary for any State purpose or function. This law also authorizes the Board to acquire property by condemnation, in the manner provided for in Title 7 (commencing at section 1230.010) of Part 3 of the Code of Civil Procedure.

Each of the properties is within the right of way for IOS-1 and was site selected at previous Board meetings. The site selections took place after an environmental review process where it was determined that any alternative alignment would include the selected parcels, or where a preferred alignment had already been approved by both the High Speed Rail Authority Board and the Federal Railroad Administration. Acquisition of these properties will allow the High Speed Rail Authority to move forward with construction of the HSTS.

Between March 2017 and June 2018, the various owners were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. Negotiations to acquire the properties are continuing; however, in order to keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain is required.

On August 22, 2018 and August 24, 2018, Notices of Intent to adopt a Resolution of Necessity were mailed to the respective property owners. These notices were sent in accordance with Code of Civil Procedure section 1245.235.

Property Specific Information:

1. Tos Land Company Property (Kings County)
Authority Parcel Numbers: FB-16-0001-1, FB-16-0001-2, FB-16-0001-3, FB-16-0001-4, FB-16-0001-5, FB-16-0001-6, FB-16-0001-7, FB-16-0001-8, and FB-16-0001-9
Assessor Parcel Number: 002-060-016
Partial Acquisition: Approximately 7.41 acres (6.45 acres in fee, 0.96 acre in easement)

This property will be needed for construction of the HSTS between the Fresno/Kings County line and Dutch John Cut.

2. Martella Property (Kings County)
Authority Parcel Number: FB-16-0200-4
Assessor Parcel Number: 016-200-011
Partial Acquisition: Approximately 0.03 acre in easement

This property will be needed for an access/utility easement located on Iona Avenue.

3. Fresno Metropolitan Flood Control District (Fresno County)
Authority Parcel Numbers: MF-10-0178-1, MF-10-0178-2; MF-10-0211-1, and MF-10-0211-2
Assessor Parcel Numbers: 504-081-18T and 504-081-19ST (formerly designated as 504-080-47T and 504-080-66ST)
Partial Acquisition: Approximately 2.48 acres in fee

This property will be needed for the construction of the HSTS between W. Herndon Avenue and W. Bullard Avenue and for the realignment of Golden State Boulevard.

Staff Recommendation: **Adopt Resolutions of Necessity authorizing the use of eminent domain to acquire properties for the HSTS.**

OTHER BUSINESS

NONE

REPORTABLES

TO BE PRESENTED AT MEETING